

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Elisa Vitale, Case Manager
 JL Joel Lawson, Associate Director Development Review
DATE: March 15, 2019

SUBJECT: BZA Case 19951 832 and 834 48th Street NE to permit construction of two new semi-detached buildings, by opting into the District Inclusionary Zoning (IZ) program.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following special exception relief:

- Subtitle C §§ 1001.2(e)(3) and 1002.2, IZ dimensional modifications, pursuant to Subtitle X § 900.2 (25-foot lot width and 2,500 square foot lot area by special exception; 25-foot lot width and 2,687.5 square feet of lot area proposed);

The Office of Planning (OP) recommends **approval** of the following variance relief:

- Subtitle D § 307.1, side yard, pursuant to Subtitle X § 1000 (8 feet minimum required; 5 feet proposed);

II. LOCATION AND SITE DESCRIPTION

Address	832 and 834 48 th Street NE
Applicant	Under 22, Inc.
Legal Description	Square 5150, Lot 0812
Ward, ANC	7 / 7C
Zone	R-2 - intended to provide for areas predominantly developed with semi-detached houses on moderately sized lots that also contain some detached dwellings.
Lot Characteristics	The 50-foot wide by 107.5-foot deep corner property is bounded by Hunt Place NE to the south, 48 th Street NE to the east, and adjoining property to the north, and a 15-foot improved public alley to the west.
Existing Development	The property is currently unimproved.
Adjacent Properties	The property to the north is improved with a detached building in residential use.
Surrounding Neighborhood Character	The surrounding neighborhood is residential in character with a mix of detached and semi-detached buildings in residential use.

Proposed Development	The Applicant is proposing to subdivide the property and create two, 25-foot wide lots. The Applicant is proposing to construct two semi-detached buildings.
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III. ZONING REQUIREMENTS and RELIEF REQUESTED

Zone – R-2	Regulation	Existing	Proposed	Relief
Height D § 303	40 ft. max./3 stories	N/A	34.13 ft./3 stories	None Required
Lot Width D § 302	25 ft. IZ semi-det.	50 ft.	Lot 1 – 25 ft. Lot 2 – 25 ft.	Special Exception
Lot Area D § 302	2,500 sq. ft. min. IZ semi-det.	5,375 sq. ft.	Lot 1 – 2,687.5 sq. ft. Lot 2 – 2,687.5 sq. ft.	Special Exception
Lot Occupancy D § 304	40 % max.	N/A	34.14 %	None Required
Rear Yard D § 306	20 ft. min.	N/A	43.5 ft.	None Required
Front Setback D § 305	Existing range of front setbacks – 15.03 ft. max.	N/A	15 ft.	None Required
Side Yard D § 307	8 ft. min.	N/A	Lot 1 – 5 ft. Lot 2 – 5 ft.	Variance
Parking C § 701	1 space /dwelling unit	N/A	1 space/dwelling unit	None Required

IV. OFFICE OF PLANNING ANALYSIS

a. Special Exception Relief from Subtitle C § 1001.2

A proposal for two semi-detached single-household buildings would not ordinarily be required to comply with IZ; however, the Applicant is seeking special exception relief to take advantage of a more narrow lot width and smaller lot area, in exchange for providing one IZ unit in conformance with C § 1001.2(e). Per E § 201.1, 25 feet in width and 2,500 square feet of lot area are the minimum lot dimensions for a semi-detached building in the R-2 zone. The IZ lot dimensions are available only through special exception review, subject to the criteria of Subtitle X, Chapter 9 and C § 1001.2(e).

1001.2 Except as provided in Subtitle C § 1001.5, the requirements and modifications of this chapter shall apply to developments meeting the following criteria:

The applicant, a participant in the District's Vacant to Vibrant program, has elected to voluntarily provide an IZ unit pursuant to C § 1001.2(e), described further below.

- (e) *Any semi-detached, attached, flat, or multiple dwellings development not described in Subtitle C § 1001.2(b) through 1001.2(d) if the owner voluntarily agrees to the requirements of Subtitle C § 1003 and meets all other requirements of this chapter, provided:*

- (1) *The square footage set aside achieves a minimum of one (1) Inclusionary Unit;*

The proposed project would provide one inclusionary unit.

- (2) *Residential developments located in the areas identified by Subtitle C § 1001.5(a) may not use the modifications to height and lot occupancy, or minimum lot area or width; and*

The subject site is not within any of the areas identified by Subtitle C § 1001.5(a).

- (3) *Any use of the bonus density provided in Subtitle C § 1002 in the R-2, R-3, R-10, R-13, R-17, R-20, RF-1, RF-2, RF-3, RF-4, RF-5, or the RA-1 zones shall require special exception approval pursuant to Subtitle X, Chapter 9.*

The subject site is within the R-2 zone and the Applicant seeks special exception relief pursuant to this subsection and Subtitle X, Chapter 9, the criteria of which are analyzed below.

- 901.2(a) *[The special exception] Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;*

The proposed development would include two semi-detached buildings that would be intended for single-household use. The R-2 zone contemplates semi-detached buildings and the proposed development would be in character with the surrounding residential neighborhood that exhibits a range of building types. The Applicant has requested variance relief from the side yard regulations in D § 307.1 and that request has been analyzed below. The proposed development would also generally meet the Regulations' goal of providing housing for families in the District.

- 901.2(b) *[The special exception] Will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps;*

The proposed lot width of 25 feet and lot area of 2,687.5 square feet would not affect adversely the use of neighboring properties. The subject property is located at the intersection of 48th Street NE and Hunt Place NE and is bounded by a public alley to the rear. The adjoining property to the north at 836 48th Street NE is improved with a detached building. The side yard at 836 48th Street NE would provide additional separation between that property and the subject property and would provide sufficient light, air, and privacy.

b. Variance Relief from Subtitle D § 307, Side Yard

i. Exceptional Situation Resulting in a Practical Difficulty

The Applicant is proposing to opt in to the District's Inclusionary Zoning (IZ) program and is proposing to take advantage of the IZ dimensional modifications in C § 1002.2. As such, the Applicant is proposing two 25-foot wide lots, which meet the IZ lot width minimums. If the Applicant did not opt in to IZ, it would result in the loss of one dwelling unit. Furthermore, providing the conforming 8-foot wide side yards would result in a greatly modified floor plan and would result in the loss of family-sized housing units.

ii. No Substantial Detriment to the Public Good

The Applicant is proposing to provide a 5-foot side yard in lieu of the 8-foot side yard that is required. The reduced side yard should not cause substantial detriment to the public good. 832 48th Street NE is a corner property and is separated from the houses facing Hunt Place NE by an improved alley. 834 48th Street NE is adjacent to a detached building with an existing, conforming side yard. The rear yards of the proposed semi-detached buildings would greatly exceed the minimum depth required (20 feet minimum required; 43.5 feet provided) and would provide additional light and air. Therefore, the requested side yard relief would not result in a substantial detriment to the public good.

iii. No Substantial Harm to the Zoning Regulations

Granting the requested variance relief for 5-foot side yards should not cause substantial harm to the Zoning Regulations. The proposed semi-detached buildings are proposed for property zoned R-2, which is intended to provide for areas predominantly developed with semi-detached houses on moderately sized lots. The proposed semi-detached buildings would be compatible with the intent of the R-2 zone and the diversity of housing in the surrounding residential neighborhood.

V. COMMENTS OF OTHER DISTRICT AGENCIES

Comments from other District agencies had not been received at the time this report was drafted.

VI. COMMUNITY COMMENTS TO DATE

Comments from the ANC had not been received at the time this report was drafted.

JL/emv

Attachment: Location Map



Location Map: 832 and 834 48th Street NE